

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
EL PASO DIVISION**

**MOSESE TAUNAHOLO,  
Plaintiff,**

**v.**

**UNITED STATES OF AMERICA,  
Defendant.**

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**EP-13-CV-00085-DCG**

**ORDER**

Presently before this Court, Mosese Taunaholo (“Petitioner”) petitions for a “Stay of Deportation or Removal” (ECF No. 1). Specifically therein, Petitioner seeks the Court to stay his deportation or removal proceedings until his appeal is adjudicated before the Board of Immigration Appeals (“BIA”). Upon review of the petition, the Court is uncertain as to whether Petitioner has received a final determination from the Board of Immigration Review. Further, Petitioner has not given the reason he has decided to file the Motion in this venue concurrently with the Immigration Court nor has Petitioner pointed to any jurisdictional basis that would allow the Court to review the order of removal.

This Court **HEREBY ORDERS** Respondent United States of America to file a response to the petition no later than **April 8, 2013**. In addition to the issues Respondent desires to address, this Court urges Respondent to address the jurisdictional issues, if any, raised by the REAL ID Act of 2005, Pub. L. No. 109-13, 119 Stat. 231 (2005).

Petitioner may file a reply, provided it is filed no later than eleven (11) days after the date of service of the respondents’ responsive pleading.

**IT IS FURTHER ORDERED** that service of this Order, together with a copy of the petition, on the United States Attorney for the Western District of Texas on or before March 26, 2013, be deemed sufficient service.

Respondents and/or their agents or anyone else acting on their behalf shall notify this Court prior to taking any action to transfer Petitioner outside the Western District of Texas.

**So ORDERED and SIGNED this 21th day of March, 2013.**

*For*   
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**DAVID C. GUADERRAMA**  
**UNITED STATES DISTRICT JUDGE**